

A MEETING OF THE BOARD OF COMMISSIONERS
OF THE CITY OF SODDY-DAISY, TENNESSEE, WAS
HELD ON THURSDAY, APRIL 1, 2010 AT 7:00 P.M.

MEMBERS PRESENT:

MAYOR SHIPLEY

VICE-MAYOR PRIVETT

COMMISSIONER ADAMS

COMMISSIONER HARMON

COMMISSIONER SKILES

CITY MANAGER STULCE

CITY ATTORNEY ELLIOTT

CITY RECORDER BURRIS

The minutes of the meeting held March 18, 2010 were presented. Vice-Mayor Privett asked for a clarification to the minutes (page two, paragraph three) where the Bell Street sewer project was discussed. He said the minutes read that the owner “has been offered fair market value” for the easement. He clarified that the owner of the property has not been offered any monies but has been offered value of the sewer in taps for his property. With this change, the minutes were approved as amended.

Old business: None.

New business: None.

Mayor Shipley recognized Robert Cothran, Vietnam Veterans Chapter 942, who presented a check to the Soddy-Daisy High School Choir to be used toward the cost of their upcoming trip to Carnegie Hall. John Poole, parent coordinator for the NYC/Carnegie Hall trip, accepted the donation on behalf of the Choir.

Mr. Cothran addressed the Board again asking if the City could write a letter of appreciation to the Sale Creek JROTC for the work they did recently. He said they cleaned all the monuments in the Veterans Park and assisted in the clean up of the Soddy Lake area. Mayor Shipley agreed with the request.

Phillip Crabtree, 1118 Harbor Point Drive, asked that the City require ice cream truck vendors to have a drug and criminal background check. He said there are several children and grandchildren on his street and that it would be a target rich environment for a sex offender or pedophile. He polled the Commission asking if they felt this would be a reasonable request. Vice-Mayor Privett said he heard recently that another city is proposing this and that there may be a bill in Nashville addressing it. City Attorney Elliott said his initial thought is that the City would only be able to withhold a business license and is unsure even if the City has that flexibility. He said he would research this and report back to the Board.

Don Gorman, 12218 Macon Way, thanked the City for the road and ditch work done on Posey Hollow Road. He said this work will help the situation once the other part is unclogged. He said in December some of the residents took the contracts as provided by the City from the developer, Darryl Hill, and gave them to all of the 26 residents involved. He reported only 9 homeowners signed the agreement to pay the \$400. The others felt the contract “stunk” and that it let the Hills (developer) off the hook, and also felt the City was letting the

developer off the hook. Based on that, the signed agreements are down to 6. Mr. Gorman asked where do the residents go from here. Mayor Shipley said Jim Hill is now solely in charge of the Plantation Subdivision and his brother, Darryl Hill, has no further interest in it. Jim Hill has agreed to honor the agreement proposed provided that everyone signs it. Mayor Shipley acknowledged that Mr. Gorman and Tommy Million have worked hard to get the agreements signed. He said his only suggestion at this point is for them to fix their property, not knowing what will happen to the remainder. Vice-Mayor Privett asked if the problem with the residents not signing was monetary or the liability part of it. Mr. Gorman said he felt it could be both and that some people feel they shouldn't have to pay to get a problem fixed they didn't cause. Some said they didn't like the way the contract was written. Mayor Shipley asked if they were willing to let their property erode away for \$400. Mr. Gorman said most of the residents are planning to file a lawsuit. Mayor Shipley stated the developer no longer owns the property, therefore before he enters onto it to do the work, he is asking for a release of liability. Mr. Gorman said there is no way all 26 owners will participate which closes the deal and he felt there are two choices, fix it themselves or file the lawsuit. Vice-Mayor Privett said maybe there needs to be some clarification. It is his understanding that if all would sign off on the release of liability and as long as the money was on deposit for their share of the work, they would start the job. He added that Mr. Hill didn't care where the money comes from as long as everyone whose property he touches signs the release of liability. Mayor Shipley said after the work is done, it would be up to the property owners to maintain it. Mr. Gorman said this would be difficult with the amount of water being dumped into the ditch and the speed of it. City Attorney Elliott stated that this is private property and the City has bent over backwards trying to broker an honest deal between the residents and the developer. The City paid for an engineering study, installed larger drainage tile under Posey Hollow Road, etc., adding there isn't much else the City can do. Mayor Shipley said the engineering study performed by Matthews Surveying concluded that there was nothing wrong with the engineering work for the subdivision so the City has no recourse against them. After further discussion, Mayor Shipley said he would be willing to contact Jim Hill to see if he will do the work for the 6 to 9 residents that will pay and sign the waiver. Vice-Mayor Privett said Mr. Hill may not have to access all properties and felt once the residents see what is being done, they will join in. Mayor Shipley stated that the City has spent approximately \$65,000 toward getting the problem resolved. Tom Million, 12220 Macon Way, said if Jim Hill will do the work down to the vacant lot, there are enough residents that can come up with the money. He asked if this does not work out, what would happen if he put in a 36" pipe and Mr. Gorman attaches a 36" pipe and covers it up. City Attorney Elliott said it is private property and the residents should check with their attorney. Vice-Mayor Privett suggested that any right-of-way involved be addressed by the Public Works Director.

City Manager Stulce stated that the Board approved the purchase of two pieces of property in a recent

meeting. He stated one purchase has been finalized and the other is under contract to be complete by the end of April. However, this was an unbudgeted expense and he asked that these funds be taken from the Reserve for Authorized Expense in the budget. One purchase was in the amount of \$13,000 and the second for \$50,000. A motion was made by Commissioner Skiles to approve the request as presented. The motion was seconded by Commissioner Adams and the ayes were unanimous on roll call vote. City Manager Stulce reported on the completed purchase saying the property is at the dead end of Francis Street abutting the KIDS Park. He said the purchase will eliminate an eyesore and add an additional 30 to 40 parking spaces for the park.

City Manager Stulce stated that a report has been distributed to the Board giving an update on where the City's finances are for the year. He added that he has met with department heads in preparation of the budget workshop conveying to them to withhold all capital projects for the next year to focus on paving projects.

Commissioner Skiles said he had spoken with Stacy Grant who informed him that the Soddy-Daisy Middle School Wrestling team had set all types of records with one wrestler winning a national championship. He asked if the City could invite them to a Commission Meeting and recognize them for their accomplishments. It was the consensus of the Board to do so. Commissioner Skiles said he would initiate this.

Vice-Mayor Privett said one item on the reserve for authorized expense list was the demolition of a condemned house on Igou Ferry Road. He asked if a lien has been placed on the property for this expense. City Manager Stulce said he felt it has been but would check.

Mayor Shipley said he had spoken with the Pastor of Community Chapel Church about the parking lot adjacent to the City's park. He said residents use the parking lot more than the church. The Pastor asked if the Church bought the paving, could the City pay the labor expense. City Attorney Elliott said he would check into the legality of this noting it is private property, although the use of it is mainly by the citizens.

ADJOURNMENT 7:39 P.M.

RECORDER SARA BURRIS